

SECTION 6: DEVELOPMENT STANDARDS

6.1 Standards For Agriculture (Plan Policy 1)

6.1.1 Purpose. The purpose of this section is to provide standards implementing Policy 1 of the Four Corners Community Plan, protecting the right to farm and ranch.

6.1.2 Agricultural Water Conveyance Facilities (Canals and Ditches).

A. Subdivision. All new subdivision shall refer to the current version of the Gallatin County Subdivision Regulations. New uses shall refer to these standards.

B. Identification of irrigation systems. Any proposed use requiring a land use permit shall identify all agricultural water conveyance facilities located on the property or which might be affected by the construction (including primary and secondary, or lateral ditches, canals, and pipelines) on the submitted site plan.

C. Stormwater or snowmelt runoff. Unless there is written consent from the appropriate water users and/or water conveyance facility's authorized representatives, the subdivision or use shall be designed and developed so stormwater, snowmelt runoff, water from dewatering activities, or other water originating from within the boundaries of the subdivision, does not run into or become captured by any water conveyance facility.

D. Acknowledgment of contact with irrigation entity. Any proposed use requiring a land use permit within 50 feet of the centerline of irrigation canal or ditch shall submit with their application acknowledgment of contact with the applicable irrigation company. If a company is nonexistent, the applicant shall contact downstream users of the canal or ditch. Those contacted shall have 30 days to respond. A model acknowledgment form is included in Appendix _____. If a subdivision has already addressed impacts to an irrigation canal or ditch, the applicant may submit that evidence with a land use permit rather than an acknowledgement form.

E. Interference or obstruction of water transmission. No proposed use shall undertake any activity that would result in the interference or obstruction in the transmission of water in any water conveyance facility without written consent from the responsible irrigation entity. Before any maintenance, improvements, crossings, or modifications are performed on any water conveyance facility, the water users or water conveyance facilities authorized representatives must give written permission for the work to be done.

6.1.3 Fencing. All new subdivision shall be fenced to prevent conflict with any agricultural operations on neighboring properties. Providing legally adequate fencing shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or property owners' association.

6.2 Standards For Land Use Compatibility (Plan Policy 2)

6.2.1 Purpose. The purpose of this section is to implement to different policies: Policy 2, which encourages a variety of compatible uses, and Policy 9.1, Encourage lighting that protects the night sky, of the Four Corners Community Plan,

6.2.2 Functional Connections. All uses shall be designed, where possible, to share functional connections with adjoining uses to facilitate an even flow of traffic, to allow for functional pedestrian connections, and to provide appropriate and efficient access for emergency vehicles.

6.2.3 Outdoor Lighting Standards. Preventing light trespass and protecting the night sky are important goals of the Four Corners Community Plan (See Policy 9.3).

A. **Application.** The outdoor lighting standards apply to new commercial, industrial, or residential construction.

B. **Exemption.** The following uses are exempt from the lighting standards:

- a. Agricultural structures and uses;
- b. Single-family residential uses on parcels two acres or greater.
- c. Structures in platted subdivisions with existing covenants addressing lighting standards.

C. Lighting Standards:

- a. Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the structure façade, landscape, or other intended site feature and away from adjoining properties and the public right-of-way;
- b. Flag pole lights may be illuminated by one upward aimed fully shielded spotlight fixture.

D. Prohibited Outdoor Lighting:

- a. Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting, except lighting for temporary seasonal displays, or lighting for public safety;
- b. Any light fixture that may be confused with or construed as a traffic control device;

- c. Any upward oriented lighting except as otherwise provided for in this section;
- d. Searchlights, beacons, and laser source fixtures.

6.2.4 Road Improvements. The following standards mitigate the impact of high-traffic uses on roads.

- A. **Average Daily Traffic.** Average daily traffic (ADT) shall be calculated at ten (10) trips per day per single-family lot. ADT for lots approved for multi-family development and/or commercial development shall be determined based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Manual;
- B. **Traffic Impact Studies.** Uses generating 500 ADT or more shall be required to provide a traffic impact study and may be required to provide mitigation as needed. A Traffic Impact Study (TIS) shall be submitted at application for land use permit. Uses requiring a TIS shall refer to the current version of the Gallatin County Subdivision Regulations for a description of the process;
- C. **Greater Bozeman Area Transportation Plan.** All uses and subdivisions requiring improvements to County roads shall refer to the current adopted version of the Greater Bozeman Area Transportation Plan for road improvement design standards.

6.2.5 Landscaping. The Regulation uses landscaped buffers to mitigate the impact of different land uses existing next to each other. Landscaping is an essential element in mitigating proposed adverse impacts on surrounding properties, promoting compatibility, enhancing the visual appeal of the Four Corners area, promoting the preservation of property values, improving site drainage and erosion, and promoting the goals of the Four Corners Community Plan.

A. Projects requiring landscaped buffering (all projects shall refer to the site conditions of Table 6.1 for specific requirements):

- i. New subdivision;
- ii. New construction of twelve or more dwelling units in multi-family structures; or
- iii. Construction of fifteen thousand or more square feet of office space, retail commercial space, service commercial space, or industrial space; or
- iv. Construction of more than one building on one site for permitted office uses, permitted retail commercial uses, permitted service commercial uses, permitted industrial uses, or permitted combinations of uses; or

- v. New use utilizing ten thousand or more square feet of exterior storage materials or goods; or
- vi. New use utilizing parking for more than forty vehicles; or
- vii. Expansion of any of the above-mentioned uses by more than 1,000 square feet.

B. Minimum landscape buffer requirements. The width of required buffers shall vary with the nature of the uses being separated as shown in Table 6.1. Retention of existing landscaping shall be required. The landscaped buffer shall contain at least one of the following groups of plant materials at a minimum average density of one group for each fifty linear feet:

- a. One large canopy tree and one large non-canopy tree; or
- b. One large canopy tree and two small trees; or
- c. One large canopy tree and five evergreen shrubs; or
- d. One large canopy tree, one small tree, and two large evergreen shrubs; or
- e. Two large non-canopy trees and one small tree.

C. Buffer width reduction: additional plantings. The basic width requirements may be reduced where a greater density and diversity of plantings is included in the buffer. the buffer width reductions permitted by this section are cumulative and may result in a total reduction of up to 30%.

- a. *Large canopy or non-canopy trees.* The required buffer width shall be reduced by 10% where five or more major trees per hundred lineal feet are planted or retained.
- b. *Small trees.* The required buffer width shall be reduced by 10% where five or more understory trees per hundred lineal feet are planted or retained.
- c. *Shrubs.* The required buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted or retained.

D. Buffer crossings/inclusions. Required buffers may be crossed by access drives, utility lines, sidewalks, and pedestrian trails. A sidewalk may run along a buffer with its width, up to five feet, being included in the required buffer width. Permitted freestanding signs may be based in required buffers. Outdoor sales or storage shall not be permitted within a required buffer;

Table 6.1 - Landscaped Buffer Requirements

The following table applies to new subdivision and to construction meeting the criteria of 6.2.5.A. When uses are mixed in the same structure, the lower minimum buffer width applies. For the purposes of this table, institutional uses are treated as commercial. Proposed uses adjacent to existing agricultural uses shall not be required to provide buffering.

| <u>Proposed Use</u> | <u>Existing Use</u> | <u>Minimum Buffer Width</u> | <u>Fence or Wall?*</u> |
|--|--|------------------------------------|-------------------------------|
| Industrial | Residential** | 40 | Yes |
| Industrial | Commercial, general | 10*** | No |
| Industrial | Public Road | 10 | No |
| Commercial, general | Industrial | 10*** | No |
| Commercial | Residential** | 20 | No |
| Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet | Residential** | 30 | Yes |
| Commercial, general | Public Road | 10 | No |
| Residential | Industrial | 40 | No |
| Residential | Commercial, general | 20 | No |
| Residential | Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet | 30 | No |
| Residential construction meeting the criteria of 6.2.5.A | Single-Family or Duplex Residential** | 20 | No |
| Single-Family or Duplex Residential | Residential construction meeting the criteria of 6.2.5.A | 20 | No |

*Construction of a fence or wall. Where Table 1 requires a opaque fence or wall as part of a buffer, that fence or wall shall be at least six feet in height and constructed of materials that are compatible with those used in neighboring buildings. The fence or wall shall be on the interior side of the buffer, placing landscaping nearest neighboring properties.

**Residential. Existing residential uses include original agricultural homesteads within 30 feet of the nearest property line.

***Exceptions. Landscaped buffering shall not be required if the proposed use results in two rear yards adjoining each other (ONLY for situations as starred above).

6.2.6 Home-Based Businesses. A home-based business shall meet the following standards:

- a. A home-based business shall be operated by a person residing within the dwelling.
- b. No home based business shall have more than three employees residing off-premises if those employees work onsite. If work conducted by the home-based business takes place off-site (such as landscaping, etc) such business may be permitted up to ten employees.
- c. Examples of appropriate home-based businesses may include contracting businesses; service businesses; offices; music, art, or other schools instruction; individual artist studios and galleries.
- d. The home-based business shall not change the residential character of the lot or adversely affect adjacent properties or the uses permitted in the district.
- e. All vehicles, materials, and solid waste related to the home-based business must be located within structures or screened from view.
- f. All parking shall be provided on site.

6.2.7 Home Occupations. A home occupation shall meet the following standards:

- a. A home occupation shall be operated by a person residing within the dwelling.
- b. Performing occupational or trade activities within a residential district is permissible if the activities are wholly contained within the principal building and/or an accessory structure.
- c. Uses permitted are professional services such as accountant, physician, real estate agent; individual artist studios and galleries, handcraft studio, music studio, or similar studio uses; a tailor; repair of furniture and small appliances; tutoring or classes for no more than two students at one time; and counseling primarily for individual persons.
- d. No one residing off premises may be employed (for work related to the occupation), on the premises of a home occupation.
- e. All parking shall be provided on site.

6.2.8 Sand and Gravel Mining Operations. Sand and gravel pits shall comply with the following standards:

- a. No new gravel pit in the AR/R sub-district shall be located within ½ mile of an existing residential structure. The distance shall be measured from the outer edge of the proposed gravel pit.
 - i. If residents within ½ mile of a proposed gravel pit waive this standard in writing, then the sand and gravel mining operation may apply for a conditional use permit
- b. If permits on file with the State Department of Environmental Quality expire, the sand and gravel mining operation may be renewed for the original permit without obtaining a conditional use permit. If there is to be any expansion of a pit, then the applicant must also obtain a conditional use permit from Gallatin County.

6.3 Standards For the Environment (Policies 3 and 8)

6.3.1 Purpose. The purpose of this section is to implement Policy 3, Support the provision of parks, recreation, and open space, and Policy 8, Support constraints-based planning with emphasis on sustainability and suitable mixed-use developments of the Four Corners Neighborhood Plan. This section sets out standards for the protection of watercourses ,wetlands, open space.

6.3.2 Watercourses.

- A. Construction setbacks to the Gallatin.** A 300-foot setback shall be provided between the ordinary high water mark and any residential, commercial, or industrial structure, including accessory structures. Structures used for agricultural purposes or for the maintenance of livestock are exempt.
- B. Construction setbacks to other Watercourses.** A 150-foot setback shall be provided from the ordinary high water mark of all other watercourses for all residential and commercial construction, excluding structures used for agricultural purposes or for the maintenance of livestock. This setback does not include canals or ditches.
- C. Retention of existing vegetation.** Riparian areas and existing vegetation shall be maintained to the maximum extent possible.
- D. Exceptions.** Lots of record created prior to creation of the Montana Subdivision and Platting Act shall meet the following standards:
 - a. Construction setbacks to the Gallatin.** A 150-foot setback shall be provided between the ordinary high water mark and any residential, commercial, or industrial structure, including accessory structures. Structures used for agricultural purposes or for the maintenance of livestock are exempt.
 - b. Construction setbacks to other Watercourses.** A 75-foot setback shall be provided from the ordinary high water mark of all other watercourses for all residential and commercial construction, excluding structures used for agricultural purposes or for the maintenance of livestock. This setback does not include canals or ditches.

6.3.3 Wetlands.

- A. Definition.** Wetlands are transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification, wetlands must have one or more of the following three attributes (note that this includes both isolated wetlands and wetlands categorized as Waters of the U.S.):

1. At least periodically, the land supports predominantly hydrophytes;
2. The substrate is predominantly undrained hydric soil; or
3. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year.

B. Wetlands Delineation. A wetlands delineation prepared by a professional wetlands scientist in accordance with the current guidelines of the Army Corps of Engineers must accompany either of the following applications:

1. The subdivision of land in compliance with MCA 76-3;
2. Construction activity requiring any of the following streambed, streambank, and/or wetland permits:
 - a. Montana Stream Protection Act (SPA 124 Permit);
 - b. Stormwater Discharge General Permit;
 - c. Montana Natural Streambed and Land Preservation Act (310 Permit);
 - d. Montana Floodplain and Floodway Management Act (Floodplain Development Permit);
 - e. Federal Clean Water Act (404 Permit);
 - f. Federal Rivers and Harbors Act (Section 10 Permit);
 - g. Montana Land-Use License or Easement on Navigable Waters.

C. Wetland Protection Standards. The following standards shall apply to all wetlands meeting the definition of 6.3.3.A:

1. Location in Open Space. New subdivision shall designate all wetlands meeting the definition of Section 6.3.3.A as permanent open space (see Section 6.3.4 for compliance with open space standards);
2. Setback. A 35-foot setback shall be provided between all wetlands meeting the definition of 6.3.3.A and any new residential, commercial, or industrial construction. Exemptions to this setback are as follows:
 - a. Structures used for agricultural purposes or for the maintenance of livestock.

- b. Structures built on lots created prior to establishment of the Montana Subdivision and Platting Act (1973)
3. If federal and state permits are obtained, or if permits are not required, wetlands may be altered; all altered and newly-created wetlands shall continue to meet the standards of this section.

D. Exemptions. Exemptions to this section are as follows:

1. Wetlands may be modified for necessary utility lines, roads, driveways, and trails, provided that all state and federal permits are obtained.
2. Structures used for agricultural purposes or the maintenance of livestock, as well as recreational accessory structures such as docks, decks, and boathouses, are exempt from these requirement.

6.3.4 Open Space.

A. Open space shall be permanently protected and shall meet the following standards:

1. Open space shall provide effective corridors through proposed development for both wildlife movement and/or trails. Where possible, open space shall be designed to be contiguous to open space in adjacent developments;
2. Open space areas should include existing wildlife habitat, riparian areas (including land set aside in watercourse setbacks), and wetlands, within the required percentage of open space;
3. Open space area calculations shall not include road rights-of-way, parking areas, structures (unless associated with agriculture or with recreation intended for use by the property owners' association) required landscape buffer areas, or land within individually owned lots (unless meeting the requirements of 6.3.4.B.4 below);
4. Maintenance of designated open space shall be the responsibility of the property owners' association or, in the case of 6.3.4.B.4, individual lot owners.

B. Open space shall be preserved in perpetuity and may be held in one of the following ways:

1. Open space parcel dedicated to the property owners' association;
2. Dedication as a park according to the requirements of the Gallatin County Subdivision Regulations;
3. A perpetual conservation easement restricting development of the open land

and allowing open space uses as provided above. The conservation easement shall be granted to an organization acceptable to the County Commission;

4. An individual parcel owned by an individual lot owner or other third party, dedicated as permanent open space and meeting all requirements of 2.6.2.A above. The parcel may be deeded with a corresponding buildable lot and shall be designated as permanent open space, meeting all requirements of this section, on the plat.

6.4 Standards Promoting a Quality Streetscape (Policy 7)

6.4.1 Purpose. The purpose of Section 5.6 is to implement Policy 7, Promote a quality streetscape, of the Four Corners Neighborhood Plan.

6.4.2 Standards for Jackrabbit and Huffine Lane. The following standards apply to new construction (both buildings and parking lots). A new use in an existing structure does not need to meet the standards.

A. **Parking to Side or Rear of Structures.** Parking shall not be located between the primary structure and Jackrabbit or Huffine Lane.

- a. Exception: Developments at the intersection of Huffine Lane and Jackrabbit Lane are exempted from this standard.

B. **Functional Connections.** Developments shall design functional traffic and pedestrian connections between lots and buildings.

C. **Pedestrian Connections.** Pedestrian connections shall be constructed to connect pedestrians to the entrance of buildings from sidewalks along any frontage roads and from parking lots.

D. **Frontage Roads.** New development may be required to construct frontage roads connecting developments. The frontage roads shall be located on the side of buildings opposite Huffine Lane/Jackrabbit Lane.

E. **Landscaping.** Landscaping for new construction along Huffine Lane/Jackrabbit Lane shall meet the requirements for front yard landscaping from Section 6.2.5.A.

6.4.3 Signs. Standards for signs are as follows:

A. **Dimensions.** There are no dimension requirements for signs on buildings. Pole or monument signs must meet the following standards:

- a. One monument or pole sign is allowed per business.
- b. Monument or pole signs may meet one of the following standards:

- i. A maximum height of 24 feet tall with a maximum square footage of 32 square feet per side; OR
- ii. A maximum height of 15 feet tall with a maximum square footage of 48 square feet per side.

B. Billboards and off-premise advertising. No off-premise signs shall be permitted.

C. Prohibited Signs. The following signs are prohibited in all districts:

- a. Flashing, blinking, or moving signs;
- b. Spotlights or other fixtures used for the illumination of a sign constituting a nuisance or traffic hazard.

6.4.4 Outdoor Sales. Standards for outdoor storage and display are as follows:

A. Landscaped Buffers. All outdoor sales and display must comply with the landscaped buffers of Section 6.2.5.B. Outdoor sales and display shall not be located in any required yard or buffer.